

**BOARD OF ADJUSTMENT  
ZONING VARIANCE  
APPLICATION PACKET**

**The following information is required to be submitted prior to review by City Staff for placement on the Board of Adjustment agenda:**

- ☐ 1. Completed Property Information Form.
- ☐ 2. A notarized letter from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance, if the Petitioner is not the property owner.
- ☐ 3. Completed Application form.
- ☐ 4. Application and plans for Level I project review (if applicable).
- ☐ 5. Eight (8) sets of the scaled site plans, including buildings, landscaping, parking, building elevations, signage and other pertinent information as requested by staff.
- ☐ 6. **Filing Fee: \$208.00 plus \$52.00 for each additional request at the same site.**

**To The Applicant: By placing a check mark by each of the following paragraphs, you are certifying that you have performed that task. A check mark must be placed by each numbered paragraph before placement on the Board's agenda.**

- ☐ 7. a. Pre-application conference with the Planning & Development staff.  
b. With whom: \_\_\_\_\_
- ☐ 8. Petitioner has checked for Homeowner Association rules, property covenants, deed restrictions, Building Safety Department, and other requirements that might have a bearing on the application.
- ☐ 9. Any available information to be presented as an exhibit at the variance hearing should be submitted to the Secretary at the time of application (if applicable).
- ☐ 10. If a Court Reporter is needed, then the petitioner is responsible for making those arrangements and notifying the Board of Adjustment Secretary.

*-Pursuant to NCGS 160A-388, City Code Sec. 7-6-2, and the Rules of Procedure for the Board of Adjustment, appeals from decisions of the City's administrative staff must be filed within 60 days of the contested action.*

*-The Authorized Practice Committee of the North Carolina State Bar has issued an opinion (Advisory Opinion 2006-1) stating in essence that appearance in a representative capacity before quasi-judicial bodies of local government, such as boards of adjustment, is the practice of law within the meaning of NCGS 84-2.1 and 84-4, which prohibit the unauthorized practice of law.*

*City Planning staff may not provide legal advice to applicants. Applicants are advised to consult the appropriate sections of the North Carolina General Statutes, Asheville City Code, and the Rules of Procedure for the Board of Adjustment, or to consult with an attorney, if more information is needed.*

**NORTH CAROLINA**

**BEFORE THE ASHEVILLE**

**BUNCOMBE COUNTY**

**BOARD OF ADJUSTMENT**

**CITY OF ASHEVILLE**

**PROPERTY INFORMATION**

**(Please fill out form completely)**

**Property Address/Location:** \_\_\_\_\_

**PIN Map # :** \_\_\_\_\_

**Zoning:**\_\_\_\_\_ **Use of Property:** \_\_\_\_\_

**Title to this property is in the name of : (Furnish current address/please print legibly)**

**Property Owner:** \_\_\_\_\_

**Owner's Address:**  
\_\_\_\_\_

\_\_\_\_\_  
**(Property Owner's Signature)**

\_\_\_\_\_  
**(Business Name or Petitioner if other than Property Owner)**

\_\_\_\_\_  
**(Petitioner's Address)**

\_\_\_\_\_  
**(Agent's Name)**

\_\_\_\_\_  
**(Agent's Address)**

\_\_\_\_\_  
**(Phone Number)**

\_\_\_\_\_  
**(Phone Number)**

NORTH CAROLINA  
BUNCOMBE COUNTY  
CITY OF ASHEVILLE

BEFORE THE BOARD OF ADJUSTMENT  
ZONING VARIANCE APPLICATION FORM

**To the Asheville Board of Adjustment**

I, \_\_\_\_\_, hereby petition the Board of Adjustment for a variance(s) from the provisions of the Unified Development Ordinance (UDO) for my real property located at \_\_\_\_\_.

Applicable UDO Section: \_\_\_\_\_

UDO Requirement: \_\_\_\_\_

\_\_\_\_\_

Variance Requested:

\_\_\_\_\_

\_\_\_\_\_

**Standards for Granting a Variance**

In order for the Board of Adjustment to consider your variance request, you must provide answers to the following questions and appear at the Board meeting when your request is considered. These questions are generated from the standards for variances set forth in Section 7-6-1 of the UDO. You should thoroughly consider your answers, as the Board must find in your favor on each of these standards before you can be granted a variance.

**1. What are the practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the UDO?**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. If you comply strictly with the provisions of the UDO, how does that prevent you from making reasonable use of the property? (NOTE: It is not sufficient that failure to grant the variance simply makes the property less valuable.)**

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**3. What special conditions/circumstances exist which are peculiar to the subject property, structure, or building which are not applicable to other properties, structures, and buildings located in the same zoning district?**

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**4. Why are the special conditions/circumstances not a result of your own actions?**

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**5. Describe how the requested variance, if granted, is in harmony with the general purpose and intent of the UDO and preserves the spirit of the UDO.**

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**6. Will a variance smaller than the one you've requested provide you with the needed relief from the requirements of the UDO? Please explain.**

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**7. Describe how granting your variance secures the public safety and welfare and accomplishes substantial justice? (State facts showing that if the requested variance is denied, then the benefit to the public will be substantially outweighed by the harm suffered by the petitioner.)**

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In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the UDO. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the granting of the variance, shall be deemed a violation of the UDO. I, \_\_\_\_\_, **hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**PETITIONER'S SIGNATURE**

\_\_\_\_\_  
**PETITIONER'S NAME (PLEASE PRINT)**